18 April 2002

Original: English

Preparatory Commission for the International Criminal Court
Working Group on Financial Issues — Remuneration of Judges
New York
8-19 April 2002
1-12 July 2002

Report of the Working Group

Conditions of service of judges of the International Criminal Court

Full-time judges

1. Salaries

1. The annual remuneration of full-time judges will be €180,000 net.

2. Special allowance for the President

2. A special allowance will be paid at the rate of 10 per cent of the President's annual remuneration. Based on the salary above of €180,000, the special allowance will be €18,000.

3. Special allowance for the First or Second Vice-President if acting as President

3. A special allowance of €100 per day will be paid, subject to a cap of €10,000 per year, to the First or Second Vice-President if acting as President.

4. Non-salary benefits/allowances

Educational assistance

4. When the judges take up residence in the host country, they will be entitled to assistance for the education of dependants, in accordance with terms and conditions similar to those applicable to the United Nations (see administrative issuances ST/AI/2002/1; ST/AI/1999/4; ST/IC/2002/5).

Pension

5. The judges are entitled to a pension benefit similar to that applicable to judges of the International Court of Justice. The following are the principal features:

(a) The pension scheme is non-contributory, i.e., pensions are a direct charge to the budget;

(b) A retirement pension equal to half the annual salary, at the time of retirement, is paid to a judge who has completed a full nine-year term;

(c) A proportional reduction is applied if the judge has not completed a nine-year term, provided the judge has served for at least three years, but no additional pension is paid if the judge has completed more than nine years of service;

(d) A surviving spouse receives 50 per cent of the late judge's pension. If he or she remarries, he or she will receive a final lump-sum benefit equal to twice the amount of the spouse's benefit;

(e) Pensions in payment are revised by the same percentage and on the same date as salary adjustments.

Health insurance

6. Judges will be responsible for their own health insurance.

Travel/relocation costs[1]

7. When judges take up residence in the host country, they are entitled to:

(a) A trip from his or her declared home[2] to the seat of the Court, in connection with the transfer of his or her residence;

(b) An assignment grant to cover relocation expenses, in accordance with terms and conditions identical to those applicable to the United Nations (see ST/AI/2000/17);

(c) A round trip every second calendar year after the year of appointment from the seat of the Court to his or her declared home;

(d) A trip upon termination of appointment from the seat of the Court to his or her declared home, or to any other place, provided that the cost of the trip is not greater than the cost of the trip to his or her declared home, which was established at the time of appointment;

---

[1] The Rome Statute does not specifically address the issue of the residence of judges. Article 35 of the Statute provides that full-time judges of the Court "shall be available to serve on that basis from the commencement of their terms of office". Moreover, article 40 provides that judges "required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature". The question of the residence of full-time judges and their availability to serve on that basis at the seat of the Court is a matter which the Rome Statute has entrusted to the judges. Article 52 sets out the manner in which the Regulations of the Court are to be elaborated and adopted. In considering the issue of the residence of full-time judges, the judges themselves will take a decision as to whether or not residence at the seat of the Court is required for full-time service, bearing in mind the permanent character of the Court.

[2] "*Home*" *is defined as the residence declared by the judge at the time of appointment or as modified subsequently.*

(e) Reimbursement by the Court for the travel expenses of the spouse and/or dependent children of the judge for trips undertaken in conjunction with the above where the spouse and/or dependent children reside with the judge at the seat of the Court.

8. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.

Annex[a]

Non-full-time judges

Salaries, allowances and benefits

Judges who are not required to serve full time at the Court shall be entitled to:

(a) An annual allowance, payable monthly, of one third of the annual remuneration paid to a full-time judge, i.e., one third of €180,000 or €60,000;

(b) A special allowance of €270 for each day that a judge is engaged on the business of the Court;

(c) A subsistence allowance, at the applicable United Nations rate in euros, for each day that a judge attends meetings of the Court at the seat of the Court;

(d) Travel to official meetings of the Court. All travel shall be by business-class airfare between the home country and the seat of the Court by the most direct route.

[a] This section is subject to further discussion.